REMARKS

This application has been carefully reviewed in light of the Official Action mailed on October 20, 2005. This Reply encompasses a bona fide attempt to overcome the rejections raised by the Examiner and presents amendments as well as reasons why Applicant believes that the claimed invention, as amended, is novel and unobvious over the applied prior art. Accordingly, Applicant respectfully requests reconsideration and favorable action in this case.

Status of the Claims

Claims 1, 3-7, 11-22, 26-32, 34-38, 43, 46, and 59-88 were pending. Claims 1, 3-7, 11-22, 26-32, 34-38, 43, 46, and 59-88 were rejected. Claims 1, 3, 11, 16, 26, 30, 31, 43, 60, 72, 79, 83, and 87 are amended herein to particularly address the objections and rejections raised in the previous Office Action mailed on October 20, 2005. No claim is newly added. No new matter is introduced. Applicant further submits that the subject matter presented in the present amendment was either originally claimed or was embraced in the statement of the invention. Support for the amendment can be found in the Specification as originally filed, particularly on page 1, lines 5-10, page 8, lines 9-15, page 12, lines 1-9, and page 56, line 11, through page 59, line 6. By this amendment, 1, 3-7, 11-22, 26-32, 34-38, 43, 46, and 59-88 are pending.

Objections to the Oath/Declaration

Although not indicated in the Summary of the Office Action, the Oath/Declaration was objected to because it appears to the Examiner that claims were amended to include subject matter not originally claimed or embraced in the statement of the invention. Specifically, the Examiner contended that the claims were amended to include the collecting of an individual export file into a group export file and the extraction of the individual export file from the group export file. The requirement of a supplemental oath or declaration under 37 CFR 1.67 is acknowledged. Per 37 CFR 1.111(b), Applicant hereby requests that this objection be held in abeyance until allowable subject matter is indicated.

Objections to the Specification

Although not indicated in the Summary of the Office Action, the Summary of the Invention was objected to. Specifically, the Examiner contended that the Summary of the invention is not commensurate with the invention as claimed. The Summary of the Invention is amended herein to properly correspond to the amendments presented herein. No new matter is introduced. For example, a component archive file (CAR) is disclosed on page 58, lines 5-21, of the Specification. According to the Specification as originally filed, a site is considered, for the purposes of the present invention, to be a collection of software objects given a single identity (page 9, line 14, through page 10, line 4). The single identity may be characterized by a shared look-and-feel, a shared set of navigation links, and members of a group who are automatically granted privileges to perform administration on at least some of the software objects in the collection as well as elements of the site (*i.d.*). The collection of software objects in a site includes non-file assets such as users, groups, modules, module types, pages, menus, themes, structures, styles, and templates (*i.d.*). Elements of a site include, but are not limited to, logon permissions, administrative permissions, site branding, site content, and site navigation (*i.d.*). The export file can be transferred between systems in a portal framework such as user systems, server systems, database systems, etc. (page 11, line 15, through page 13, line 21; Figure 1).

Similarly, although not indicated in the Summary of the Office Action, the Abstract was objected to for failing to describe the nature or gist of the invention. Specifically, the Examiner contended that the Abstract does not describe the newly added features to the independent claims. The Abstract is amended herein to adequately describe the features added to the independent claims. These features are embraced in the Field of the Invention and supported by the Specification as originally filed. No new matter is introduced.

Applicant respectfully submits that the amendments presented herein overcome the objections to the Specification as set forth in the Office Action dated October 20, 2005. Accordingly, withdrawal of the objections is respectfully requested.

Rejections under 35 U.S.C. § 101

Claims 1, 3-7, 11-22, 26-32, 34-38, 43, 46, and 59-88 were rejected under 35 U.S.C. § 101. Specifically, the Examiner contended that claims 1, 3-7, 11-22, 26-32, 34-38, 43, 46, and 59-88 were "directed to a program, per se, not embodied on a medium which would enable the functionality of the program to be realized" (Office Action, page 2, paragraph 4). Claims 1, 3-7, 11-22, 26-32, 34-38, 43, 46, and 59-88 are amended herein. Specifically, independent claims 1, 11, 79, and 87 are amended herein to particularly point out and specifically claim computer-implemented methods with unique steps that would allow the functionality of the code to occur, independent claims 30 and 43 are amended herein to particularly point out and specifically claim systems that would allow the unique functionality of the code to occur, and independent claims 16, 26, and 83 are amended herein to particularly point out and specifically claim computer program products embodied in computer readable media carrying program instructions that would allow the functionality of the code to occur. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 1, 3-7, 11-22, 26-32, 34-38, 43, 46, and 59-88 were rejected under 35 U.S.C. § 103 as being obvious over *Developing Applications with JRun*, Allaire Corp. (hereinafter referred to as the "JRun Manual") in view of *Web Browser File Uploading to EAS Server* by G. Douglas (hereinafter referred to as "Douglas"). The rejections are respectfully traversed. As amended, independent claim 1 contains subject matter correspondingly set forth in independent claims 11, 16, 26, 30, 43, 79, 83, and 87. Therefore, traversal to the rejections with respect to independent claims 1, 11, 16, 26, 30, 43, 79, 83, and 87 is collectively discussed below with respect to independent claim 1. Reliance is placed on *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) for the allowance of dependent claims 3-7, 12-15, 17-22, 27-29, 31-32, 34-38, 46, 59-78, 80-82, 84-86, and 88.

Claim 1 recites, among others, "transferring the individual export file to a system at a remote location." The Examiner seems to agree that the JRun Manual does not explicitly disclose a method of deploying components of a site between systems "wherein the export file is transferred to a system at a remote location and the extracted assets are stored on the system at the remote location." (Office Action, page 3). However, the Examiner cited Douglas's teaching of uploading file from client to server and stated that "[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the JRun Manual's single system to transfer the export file from the client/development system to a remote system/server because it would allow development to occur on a system separate from the remote system/server, thus increasing the reliability of the JRun Manual's web application." (*id.*). Applicant respectfully disagrees.

No motivation to combine the teachings of the JRun Manual and Douglas:

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Kotzab,* 217

F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also *In re Lee,* 277 F.3d 1338, 1342-44, 61 USPQ2d 1430, 1433-34 (Fed. Cir. 2002) (discussing the importance of relying on objective evidence and making specific factual findings with respect to the motivation to combine references); *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Furthermore, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

First, the JRun Manual does not explicitly or implicitly teach transferring either WAR file or JAR file from a client/development system to a remote system/server or vice versa (i.e., from a server/development system to a remote client/user system). The JRun Manual explicitly states that "JRun is a complete Java application server for developing and deploying ... *secure server-side* J2EE applications." (*Welcome to JRun,* JRun Manual, page xix, lines 1-2). In other words, JRun would run on the server side and would not serve on the client side. Consequently, JRun would have no need to transfer either WAR file or JAR file from a client to a server or vice versa.

Second, allowing development of J2EE applications with JRun to occur on a system separate from the remote system/server seems to go against the very purpose of JRun. According to JRun Manual, "JRun is ... for developing and deploying ... *secure server-side* J2EE applications." (*id.*). As one of ordinary skill in the art would know, server-side Java code executes on a web server rather than on a web client. The JRun Manual specifically lists many benefits of server-side Java (*Benefits of server-side Java*, JRun Manual, Chapter 1, page 4). For example, regardless of the compliance level of clients, server-side application can immediately take advantage of new Java features. In other words, allowing development of J2EE applications to occur on a system separate from the JRun Java application server would compromise the many benefits of server-side Java proclaimed in the JRun Manual. Therefore, Applicant submits that one of ordinary skill in the art at the time the invention was made would *not* have been motivated to modify the JRun Manual's teaching to allow

development of J2EE applications to occur on a system separate from the JRun Java application server.

Third, applicant submits that neither the JRun Manual nor Douglas seems to teach or suggest that allowing development of J2EE applications with JRun to occur on a system separate from the JRun Java application server would have or could have increased the reliability of the JRun Manual's web application. Applicant further submits that one of ordinary skill in the art at the time the invention was made would have had no knowledge on whether the alleged combination of the JRun Manual and Douglas would have or could have increased the reliability of the JRun Manual's web application. If the ground of this rejection is to be maintained in the next Office Action, Applicant respectfully requests that the Examiner explains with reasonable details on how the alleged combination of the JRun Manual and Douglas would have increased the reliability of the JRun Manual's web application and cites reference(s) that would support the combination of the JRun Manual and Douglas.

The JRun Manual and Douglas combination does not teach or suggest all claim limitations:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Embodiments of the invention as set forth in the claims offer solutions in deploying components of a web site between systems (e.g., end user systems, web server systems, application server systems, database server systems, etc.), achieving technical capabilities beyond the combination of the JRun Manual and Douglas. Claim 1 is amended herein to particularly recite distinguishing elements not reached by the combination of the JRun Manual and Douglas. The motivation to combine the JRun Manual and Douglas notwithstanding, the resulting combination still would not have arrived at an invention as set forth in the present claims. As exemplified by

independent claim 1, in one embodiment, a computer-implemented method of deploying components of a site between systems can be realized by:

> storing assets of at least one component of a site designated for export as an export file, wherein the site comprises a collection of software objects manipulatable by a set of users having assigned privileges defined by permissions associated with each software object in the collection of software objects;
>
> transferring the export file to a system at a remote location, wherein the system is a web portal capable of executing program instructions; and
>
> extracting the assets from the export file to a plurality of locations on the web portal at the remote location, wherein the assets include file assets and non-file assets configured to operate on the web portal at the remote location.

As discussed above, JRun appears to support the development and deployment of J2EE applications in the JRun Java application server environment only. JRun does not seem to support the development and deployment of J2EE applications from the JRun Java application server environment to a system (client or server) at a remote location. Consequently, the primary reference (i.e., the JRun Manual) does not teach or suggest, among others, "transferring the export file to a system at a remote location, wherein the system is a web portal," as set forth in claim 1.

The secondary reference (i.e., Douglas) discloses how to upload a file via a web page and store it on a Servlet server (i.e., EAServer 3.0). Douglas also does not seem to teach or suggest, among others, "transferring the export file to a system at a remote location, wherein the system is a web portal," as set forth in claim 1.

What is more, as submitted in the previous response filed on March 5, 2004, Java archive (JAR) and web application archive (WAR) files have very specific definitions and uses. In view of the JRun Manual and Douglas, one of ordinary skill in the art would *not* be able to deploy components of a site between systems (e.g., between a user system and a web server). More specifically, in view of the JRun

Manual, a J2EE application developer might be able to use JRun to develop web applications *at the server side*. In view of Douglas, an end user might be able to use Sybase to upload a file from the user's computer to a web server for storage or processing. However, without the particulars disclosed in the present application, one of ordinary skill in the art at the time the invention was made would not know how to develop and deploy components of a site between systems (e.g., portals for the general public, portals for the intranet of a company, portals for the extranet for customers, etc., *see* Fig. 1 and page 1, line 16, to page 2, line 2, of the Specification), "wherein the site comprises a collection of software objects manipulatable by a set of users having assigned privileges defined by permissions associated with each software object in the collection of software objects," as set forth in claim 1.

As discussed in the Specification, the complexity and cost of developing, deploying, administering and continually enhancing portals, is tremendous (page 2, lines 3-19). At the time the invention was made, web sites were typically developed, deployed, administered, and maintained at the server-side and not available to an intended group of users for commercial use (*id.* at lines 13-14). At the time the invention was made, one might be able to write, test, and debug Java applications and applets at a client installed with the required software programs such as the Java Development Kit (JDK) (*see* e.g., *Runtime Environment,* the JRun Manual, Chapter 35, page 405). However, as the JRun Manual explicitly discloses, the *deployment* of the Java applications is at the server-side (e.g., from a JRun server to a web server connected thereto, *see Deploying Web Applications*, the JRun Manual, Chapter 34, page 383 and *Deploying J2EE Applications*, the JRun Manual, Chapter 36, page 411). Therefore, even assuming that a web application developed with the JRun Manual could be a component of a site, one of ordinary skill in the art at the time the invention was made still would not be able to deploy that component "to a system at a remote location," as claimed in claim 1.

Contrastingly, as set forth in claim 1 and discussed above, embodiments of the invention can deploy one or more components of a site (which, in one embodiment, could include components of an entire web site) to a system at a remote location (e.g., a web portal at a user system). The site, as set forth in the amended claim 1,

comprises a collection of software objects that can be manipulated by a set of users having assigned privileges defined by permissions associated with each software object in the collection of software objects. These users do not need to know how each software object performs its processes (*see* e.g., Specification, page 10, lines 12-20) and yet they can administer and maintain objects and elements of a site based on their privileges with respect to the objects and elements of the site in a site context or in a system context (*see* e.g., Specification, page 11, lines 7-14; and page 14, line 1, through page 20, line 6). This is one of the many technical advantages that are neither taught nor suggested by the combination of the JRun Manual and Douglas.

In view of the foregoing, Applicant respectfully submits that a *prima facie* case of obviousness has not been established. Accordingly, withdrawal of this rejection is respectfully requested.

Applicant notes that, on page 4, paragraph 8, of the Office Action dated October 20, 2005, the Examiner stated that "one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references." The Examiner further stated that Applicant's previous arguments filed on March 8, 2005 failed to address the combination. However, there was no combination and the rejections were not based on combinations of references. The prior Office Action, dated May 19, 2004, rejected claims 1, 3-7, 11-22, 26-32, 34-38, 43, 46, and 59-88 based on a single reference under 35 U.S.C. § 102(a), which presented new grounds of rejection and rendered applicant's prior arguments with respect to the same alleged combination of the JRun Manual and Douglas moot. The prior Office Action, dated May 19, 2004, did not dispute applicant's arguments submitted on March 5, 2004. On August 19, 2004, applicant submitted a response to the prior Office Action dated May 19, 2004 and again on March 4, 2005 in response to a non-compliant Office communication dated February 11, 2005. Since the prior Office Action dated May 19, 2004 was not based on a combination of references, Applicant's arguments filed on March 8, 2005 could not have failed to address the combination.

Conclusion

For the foregoing reasons, claims 1, 3-7, 11-22, 26-32, 34-38, 43, 46, and 59-88 are submitted to be patentable under 35 U.S.C. § 101 and over the applied references under 35 U.S.C. § 103. Favorable consideration and a Notice of Allowance of all pending claims 1, 3-7, 11-22, 26-32, 34-38, 43, 46, and 59-88 are therefore earnestly solicited.

Applicant has now made an earnest attempt to place this case in condition for allowance. The Examiner is invited to telephone the undersigned at the number listed below for discussing an Examiner's Amendment or any suggested actions for accelerating prosecution and moving the present application to allowance.

Other than as explicitly set forth above, this reply does not include any acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

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Date: Jan. 18, 2006

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